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February 13, 2019

**VIA ECFS**

Marlene H. Dortch  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, D.C. 20554

Re: Notice of Ex Parte Presentation  
*CG Docket Nos. 18-152, 02-278*

Dear Ms. Dortch:

On February 11, 2019, on behalf of Broadnet Teleservices LLC (“Broadnet”), Steve Patterson of Broadnet, and Jennifer Tatel and the undersigned of Wilkinson Barker Knauer, LLP met separately with Commissioner Michael O’Rielly and Arielle Roth of Commissioner O’Rielly’s office; and Commissioner Brendan Carr and Jamie Susskind of Commissioner Carr’s office. During the meetings, we reiterated points made in Broadnet’s comments and reply comments in response to the Commission’s public notice on several issues related to the interpretation and implementation of the Telephone Consumer Protection Act (“TCPA”).<sup>1</sup> Specifically, we emphasized that the Commission should extend its conclusion in the *Broadnet Ruling*<sup>2</sup> that the federal government is not a “person” under the TCPA to state and local governments. In this regard, we addressed Broadnet’s December 3, 2018 letter and December 19, 2018 notice of ex parte presentation, which explain that Congress did not intend in enacting the TCPA to apply it to any government entities, whether federal, state, or local.<sup>3</sup>

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<sup>1</sup> Public Notice, Consumer and Governmental Affairs Bureau Seeks Comment on Interpretation of the Telephone Consumer Protection Act in Light of the D.C. Circuit’s ACA International Decision, CG Docket Nos. 18-152 & 02-278 (rel. May 14, 2018) (“*Public Notice*”); Comments of Broadnet Teleservices, LLC, CG Docket Nos. 18-152 & 02-278 (filed June 13, 2018); Reply Comments of Broadnet Teleservices, LLC, CG Docket Nos. 18-152 & 02-278 (filed June 28, 2018).

<sup>2</sup> See *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, Declaratory Ruling, CG Docket No. 02-278, FCC 16-72 (rel. July 5, 2016) (“*Broadnet Ruling*”).

<sup>3</sup> Written Ex Parte Communication of Broadnet Teleservices LLC, CG Docket Nos. 18-152, 02-278 (filed Dec. 3, 2018); Notice of Ex Parte Communication of Broadnet Teleservices LLC, CG Docket Nos. 18-152, 02-278 (filed Dec. 19, 2018).

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Please do not hesitate to contact the undersigned with any questions.

Sincerely,

/s Joshua M. Bercu/

Joshua M. Bercu